

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

JPMORGAN CHASE BANK, N.A., as  
purchaser of the loans and other assets of  
WASHINGTON MUTUAL BANK, formerly  
known as WASHINGTON MUTUAL BANK,  
FA from the FEDERAL DEPOSIT  
INSURANCE CORPORATION, acting as  
receiver for Washington Mutual Bank, FA and  
pursuant to its authority under the Federal  
Deposit Insurance Act, 12 U.S.C. § 1821(d),

Plaintiff,

v.

LAW OFFICE OF ROBERT JAY  
GUMENICK, P.C., ROBERT JAY  
GUMENICK, SUCCESSFUL TITLE  
AGENCY, LLC., CHICAGO TITLE  
INSURANCE COMPANY, JOSEPH KOHEN,  
and JEROME SHAPIRO,

Defendants.

Civil Action

Case No.: 08-02154-VM

**THIRD AMENDED CIVIL CASE  
MANAGEMENT PLAN AND  
SCHEDULING ORDER**

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 4-14-10

1. This case is to be tried to a jury.
2. Joinder of additional parties to be accomplished by May 1, 2010.
3. Amended pleadings may be filed without leave of the Court until May 1, 2010.
4. All fact discovery is to be completed:
  - a. By not later than August 31, 2010; or
  - b. Within a period exceeding 120 days, with the Court's approval, if the case presents unique complexities or other exceptional circumstances, specifically by not later than \_\_\_\_\_.
5. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.

- a. Any additional requests for production of documents to parties be served by June 30, 2010.
- b. Any additional Interrogatories to be served to parties by June 30, 2010.
- c. Depositions to be completed by August 31, 2010.
- i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
- ii. Depositions of all parties shall proceed during the same time.
- iii. Unless the parties agree or the Court so orders, non-party depositions shall follow party depositions when possible.
- d. Any additional contemplated discovery activities and the anticipated completion date: \_\_\_\_\_
- e. Requests to Admit to be served no later than June 30, 2010.
6. All expert discovery (ordinarily conducted following the completion of fact discovery) including parties' expert reports and depositions, witness lists and identification of documents pursuant to Fed. R. Civ. P. 26(a)(2), (3) and 35(b), is to be completed by:
- a. Plaintiff: September 15, 2010.
- b. Defendant: October 15, 2010.
7. Contemplated motions:
- a. Plaintiff: Summary Judgment (Plaintiff reserves all rights with respect to such other motions it may deem necessary or appropriate in these proceedings).
- b. Defendant, Law Offices of Robert J. Gumenick and Robert J. Gumenick: Summary Judgment (Defendant reserves all rights with respect to other motions it may deem necessary or appropriate in these proceedings).
- c. Defendant/Third Party Defendant/Third Party Plaintiff, Chicago Title Insurance Company: Summary Judgment (Defendant/Third Party Defendant/Third Party Plaintiff reserves all rights with respect to such other motions it may deem necessary or appropriate in these proceedings).
8. Following all discovery, all counsel must meet for at least one hour to discuss settlement, such conference to be held by not later than October 29, 2010.
9. Do all parties consent to a trial by a Magistrate Judge under 28 U.S.C. § 636(c)? NO.
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**TO BE COMPLETED BY THE COURT:**

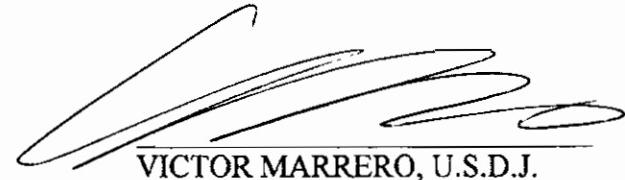
The next Case Management Conference is scheduled for 9-10-10 at 4:45 pm.

In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

**SO ORDERED:**

DATED:

  
VICTOR MARRERO, U.S.D.J.

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